



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 12 2010

The Honorable Charles E. Grassley
United States Senate
Washington, D.C. 20510

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Dear Senator Grassley:

Thank you for your letter of July 14, 2010, to the U.S. Environmental Protection Agency (EPA), forwarding a letter from Dairyland Power Cooperative which expresses interest in EPA's proposed rulemaking governing the management of coal combustion residuals (CCRs). Dairyland's letter urges EPA not to regulate CCRs as hazardous waste under the Resource Conservation and Recovery Act (RCRA) to ensure continued beneficial use of these materials.

In the proposed rule, EPA seeks public comment on two approaches available under RCRA, with one approach based on the authority under Subtitle D and the other based on the authority under Subtitle C. At this time, EPA is not proposing to regulate the beneficial use of CCRs. EPA continues to strongly support the safe and protective beneficial use of CCRs, including the use of CCRs in concrete. However, EPA has identified concerns with some uses of CCRs in unencapsulated form, in the event proper practices are not employed. For those uses, the agency is soliciting comment on whether to regulate and, if so, what regulatory approach would be the most appropriate. While EPA does not want to negatively impact the legitimate beneficial use of CCRs, we are also aware of the need to fully consider risks, management practices, and other pertinent information related to CCRs.

EPA hosted a webinar on the proposed rule on August 5, 2010, and will be hosting a second webinar on August 12, 2010. A third webinar is being planned for October 2010. These webinars will include an explanation of the proposed rule by EPA staff, guidance on how to provide official public comments, and an opportunity to address questions from participants. EPA will also be holding public hearings across the country. Details on webinar registration or the scheduled public hearings can be found at www.epa.gov/coalashrule or in the July 15, 2010, *Federal Register*. If your constituents have data or information they wish to consider for this rulemaking, they should submit it for the record at www.regulations.gov, Docket ID No. EPA-HQ-RCRA-2009-0640.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Raquel Snyder, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-9586.

Sincerely,

A handwritten signature in black ink, reading "Mathy Stanislaus", is positioned above the typed name.

Mathy Stanislaus
Assistant Administrator